

NATIONAL
INDIAN
GAMING
COMMISSION

JUN 27 1995

John Barrett, Chairman
Citizen Band Potawatomi Indians of Oklahoma
1901 S. Gordon Cooper Drive
Shawnee, OK 74801

Dear Chairman Barrett:


This letter responds to your request to review and approve the tribal gaming ordinance, Ordinance No. 95-21A, adopted on February 21, 1995, by the Citizen Band of Potawatomi Indians of Oklahoma (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Citizen Band of Potawatomi Indians of Oklahoma for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman

cc: J.D. Colbert

Citizen Band Potawatomi Indian Tribe of Oklahoma
Business Committee

Ordinance

Pott. Ord. No. 92-12

BE IT ENACTED BY THE BUSINESS COMMITTEE OF THE CITIZEN BAND
POTAWATOMI INDIAN TRIBE OF OKLAHOMA:

SECTION 1: GAMING COMMISSIONER

The Business Committee shall annually appoint or reappoint a Gaming Commissioner, who shall serve at the pleasure of the Business Committee.

SECTION 2: DUTIES

The Gaming Commissioner's duties are to:

1. Monitor all gaming operations within the Tribe's jurisdiction.
2. Document that all gaming operations are being conducted consistent with Tribal law, with Federal law, and with any existing state/Tribal compact, and
3. Provide written reports to the Business Committee no less frequently than once a month on the status of compliance of gaming operations with applicable law.

SECTION 3: POWERS

The Gaming Commissioner shall have unrestricted access to all gaming operations and to all documents maintained by gaming operations.

SECTION 4: QUALIFICATIONS

The Gaming Commissioner must meet the same qualifications as required for the Director of Gaming.


SECTION 5: EFFECTIVE DATE

This Ordinance shall be effective upon adoption.

CERTIFICATION

In the respective capacities as officers in the Citizen Band Potawatomi Indian Tribe of Oklahoma, the undersigned do hereby certify the above and foregoing Ordinance is a true and correct copy of Ordinance #92-12, as approved on the 21st day of Oct, 1991, with 5 voting for, 0 voting against, and absent.


John A. Barrett, Jr.,
Chairman


Bob F. Davis,
Secretary/Treasurer

MAY 17 1995

**Citizen Band Potawatomi Indian Tribe of Oklahoma
Business Committee**

Ordinance

Pot. Ord. No. 95- 21A

**BE IT ENACTED BY THE BUSINESS COMMITTEE OF THE CITIZEN BAND
POTAWATOMI INDIAN TRIBE OF OKLAHOMA:**

The Citizen Band Potawatomi Gaming Ordinance is amended to read as follows:

SECTION 1. CITATION

This ordinance shall be known and may be cited as the "Citizen Band Potawatomi Gaming Ordinance" and shall apply to all forms of gaming conducted within the jurisdiction of the Citizen Band Potawatomi Indian Tribe of Oklahoma.

SECTION 2: PURPOSES

The purposes of this ordinance are to promote the public order, peace, safety and welfare of all persons coming within the jurisdiction of the Citizen Band Potawatomi Indian Tribe of Oklahoma, to provide a safe and wholesome means of recreational activity in a community setting, and to provide a source of revenue for the operation of the programs and departments of the Tribal government by ensuring that any gaming activity conducted whether Class I, II, or III is fair, responsible, and consistent with applicable federal law including the regulations and guidelines established by Public Law 100-497, known as "The Indian Gaming Regulatory Act," and/or any Tribal-State Compact to which the tribe is a party. This ordinance shall be liberally construed to promote these purposes.

SECTION 3: DEFINITIONS

Unless the context clearly indicates a different meaning, the following words are defined as:

- a. **"Tribe"** (and any of its derivations) means the Citizen Band Potawatomi Indian Tribe of Oklahoma.
- b. **"Class I Gaming"** means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with Tribal ceremonies or celebrations.
- c. **"Class II Gaming"** means

(1) "Bingo," which means a game of chance (whether or not electronic, computer, or other technologic aids are used in connection therewith)

- (a) played for prizes, including monetary prizes, with cards bearing numbers or other designations,
- (b) in which the holder of the card covers such numbers or designations when objects similarly numbered or designated, are drawn or electronically determined, and
- (c) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) "Card Games" that:

- (a) are explicitly authorized by the laws of the State of Oklahoma, or
- (b) are not explicitly prohibited by the laws of the State of Oklahoma and are played at any location in the State of Oklahoma, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Oklahoma regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The term "Class II Gaming" does not mean:

- (a) any banking card games, including baccarat, chemin de fer, or blackjack (21), or
- (b) electronic or electromechanical facsimile of any game of chance or slot machine of any kind

- d. **"Class III Gaming"** means all forms of gaming that are not Class I or Class II but are now or hereafter permitted by the State of Oklahoma.
- e. **"Gross Revenue"** means the total revenues from the operation of gaming including among other things, entry fees, special session fees, proceeds from the sale or rental of gaming cards or supplies, sale of food or drink and similar items.
- f. **"Net Revenues"** means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes and total operating

expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711 (C).

- g. **"Expenses"** means all sums actually expended and reasonable and necessary for the gaming operation including, by example, supplies, equipment, non-cash prizes, facilities, security services, license fees, rent, employees and other personnel services.
- h. **"Court"** means the courts of the Citizen Band Potawatomi Indian Tribe of Oklahoma.
- i. **"Commission"** means the National Indian Gaming Commission.
- j. **"Chairman"** means the Chairman of the Commission.
- k. **"Gaming Commissioner"** means the person appointed by the Business Committee pursuant to Pott. Ord. No. 92-12 (Oct. 2, 1991).

SECTION 4: APPLICATION OF NET REVENUES

In compliance with 25 U.S.C. § 2710(b)(2)(B), net revenues from any gaming activity are not to be used for purposes other than:

- a. to fund Tribal government operations or programs;
- b. to provide for the general welfare of the Tribe and its members;
- c. to promote Tribal economic development
- d. to donate to charitable organizations;
- e. to help fund operations of local Government Agencies; or
- f. any other purpose permitted under the Act.

SECTION 5: GAMING PROHIBITED

Except as provided herein no person shall conduct any form of gaming within Tribal Indian Country for which a charge is made or other consideration requested or required for participation, or to the winner of which any prize is awarded.

SECTION 6: GAMING ALLOWED

The only form of gaming allowed within Tribal Indian Country is that duly licensed and authorized by the Tribe and subject to the regulations of the Tribe and the Indian Gaming Regulatory Act,

or any Tribal/state compact for Class III Gaming approved by the Chairman and the Secretary of the Bureau of Indian Affairs.

SECTION 7: GAMING OPERATIONS

The Tribe shall have sole proprietary interest in and be responsible for the conduct of all gaming operations. The Tribal Business Committee administers the Tribal gaming operations consistent with this ordinance. The Tribal Administrator, or in his absence, the Chairman of the Business Committee or his designee, shall be the liaison between the Business Committee and the Director of Gaming. The Gaming Commissioner monitors compliance with this ordinance, any tribal/state compacts, and all applicable federal or tribal laws.

SECTION 8: MANAGEMENT OF GAMING OPERATIONS

All gaming operations shall be administered by the Director of Gaming who is employed by and serves at the pleasure of the Business Committee.

SECTION 9: LICENSE FOR LOCATION

No Class II or Class III gaming shall be allowed at any location unless a separate license is issued by the Business Committee for such site.

SECTION 10: PUBLIC SAFETY STANDARDS

[AMENDED]

In compliance with 25 U.S.C. § 2710(b)(d2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of any applicable Tribal-State Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

SECTION 11: QUALIFICATIONS OF DIRECTOR OF GAMING

The Director of Gaming must:

a. Never have been convicted of a felony, gaming offense or crime involving dishonesty or moral turpitude.

b. Not have been convicted of any offense except traffic violations within two years from the date of employment.

c. Not be a member of the Business Committee or Grievance Committee or related to any member of the Business Committee or Grievance Committee by blood or marriage within the second degree.

d. Not have had his surety bond forfeited or been criminally convicted of or found civilly liable for any breach of fiduciary duty to the tribe or have been impeached or removed from Tribal office.

e. Be bondable in the necessary amounts.

f. Meet any other applicable qualifications as prescribed in the Indian Gaming Regulatory Act.

SECTION 12: DUTIES OF DIRECTOR OF GAMING

The duties of the Director of Gaming are to:

a. Manage and conduct all forms of gaming and concessions of the Tribal gaming operation allowed under this ordinance.

b. Timely submit all reports required by the Business Committee and any applicable law.

c. Account for all monies and properties entrusted to him.

d. Perform any other duties established by the Business Committee.

e. Perform the responsibilities and duties assigned in Section 17.

SECTION 13: CONDUCT OF GAMING OPERATIONS

The Director of Gaming shall conduct the gaming operation consistent with the following:

a. The rules of play and operation of the game as prescribed and approved by the Business Committee.

b. Each and every player has a fair and equal opportunity to win.

c. The method of winning and the prize or prizes for each game should be clearly outlined before each game.

d. The winner or winners of each game shall be verified in a manner that all present may witness.

e. No person who is conducting or assisting in the gaming operation shall not participate directly or indirectly in the play of that game.

f. No person under the age of sixteen (16) years of age shall be permitted to play for any reason.

g. He shall make sole and final determination as to the validity of a winner or winners at the conclusion of the game at which they were a winner.

h. No alcoholic beverages or drugs of any kind shall be permitted in the facility during the time that the facility is being used for the gaming operation, unless the Business Committee has issued an Alcoholic Beverage license for on-premises consumption.

i. No person under the influence of intoxicants, drugs or in any violation of Tribal law or ordinance shall be permitted to engage in any form of gaming nor to remain in the building when gaming is being conducted.

j. Trash should be separate to facilitate recycling and efforts should be made to protect the environment.

SECTION 14: EMPLOYEES

a. All persons employed in the gaming operation shall be licensed by the Director of Gaming as prescribed by the Indian Gaming Regulatory Act or any tribal-state compact for Class III gaming.

b. Each employee will wear their license in a visible manner when operating or assisting in the operation of a gaming facility.

c. No person shall be employed whose prior activity, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.

d. As necessary, the Business Committee may require the director of gaming or any other "key" employee to be bonded in an amount not less than \$50,000 payable to the tribe.

e. Background investigations will be conducted on the primary management officials and key employees as prescribed in the Indian Gaming Regulatory Act, federal regulations, or any tribal-state compact for Class III gaming and the results forwarded to the Commission prior to the issuance of licenses.

f. When licenses are issued, the Director of Gaming will promptly notify the Commission as described in the Indian Gaming Regulatory Act, federal regulations, or any tribal-state compact for Class III gaming.

g. The Director of Gaming shall employ qualified tribal members in preference to other equally-qualified applicants for

work, but shall not be required to employ or retain in employment unqualified tribal members.

SECTION 15: RECORDS

The Director of Gaming shall keep and maintain records concerning all gaming operations. These records shall be audited annually and the audit reports shall be open for inspection by any Tribal member at the office of the Tribal Administrator.

SECTION 16: EMPLOYEES LICENSED

[AMENDED]

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II gaming enterprise operated on Indian lands:

a. Definitions. For the purposes of this section, the following definitions apply:

(1) Key employee means those key employees as defined in any statute or regulation and at a minimum include:

(a) A person who performs one or more of the following functions: (1) Bingo caller; (2) Counting room supervisor; (3) Chief of Security; (4) Custodian of gaming supplies or cash; (5) Floor manager; (6) Pit boss; (7) Dealer; (8) Croupier; (9) Approver of credit; or (10) Custodian of gambling devices including persons with access to cash and accounting within such devices.

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly-compensated persons in the gaming operation.

(2) Primary management official means:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

b. Application Forms

(1) The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C.A. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position."

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(2) Existing key employees and primary management officials shall be notified in writing that they shall either:

(a) Complete a new application form that contains a Privacy Act notice; or

(b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(3) The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.
(U.S. Code, Title 18, Section 1001).

(4) The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

(a) Complete a new application form that contains a notice regarding false statements; or

(b) Sign a statement that contains the notice regarding false statements

c. Background Investigations

(1) The Tribe shall request from each primary management official and from each key employee all of the following information:

(a) Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(b) Currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

(c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Paragraph (i)(2) of this section;

(d) Current business and residence telephone numbers;

(e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;

(i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten years of the date of the application, the name and address of the court involved and the date and disposition;

(j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to Paragraph (i)(8) or (i)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(l) A current photograph;

(m) Any other information the Tribe deems relevant;
and

(n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h); by engaging either a city, county or a State or Federal Tribal law enforcement agency ~~or a private individual with experience in taking fingerprints.~~

(o) The Tribe shall conduct an investigation sufficient to make a determination under Subsection (d) below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

d. Eligibility Determination. The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person.

e. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the Nation Indian Gaming Commission.

(1) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Subsection (c) of this section.

(2) The Tribe shall forward the report referred to in this subsection to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the

approval of this ordinance by the Chairman of the National Indian Gaming Commission.

(3) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

f. Report to the National Indian Gaming Commission.

(1) Pursuant to the procedures set out in Subsection (e) of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- investigation; (a) Steps taken in conducting a background
- (b) Results obtained;
- (c) Conclusions reached; and
- (d) The basis for those conclusions.

(2) The Tribe shall submit, with the report, a copy of the eligibility determination made under Subsection d of this section.

(3) If a license is not issue to an applicant, the Tribe:

- (a) Shall notify the National Indian Gaming Commission; and
- (b) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for the inclusion in the Indian Gaming Individuals Records System.

(4) With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

g. Granting a Gaming License.

(1) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license

application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

(2) The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under Paragraph (g)(i) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(3) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

h. License Suspension.

(1) If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under Subsection (d) above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(2) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(3) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

SECTION 17: PROCEDURES FOR BACKGROUND INVESTIGATIONS [AMENDED]

The Citizen Band Potawatomi Indian Tribe of Oklahoma is responsible for the conduct of the background investigations and suitability to determinations for licensing of key employees and primary management officials.

a. Organizational Chart.

(1) Citizen Band Potawatomi Indian Tribal Director of Gaming. The Citizen Band Potawatomi Indian Tribal Director of Gaming under the gaming ordinance shall be ultimately responsible for conducting and/or causing to be conducted the background

investigations on key employees and primary management officials. The Director of Gaming may cause the background investigations to be conducted by persons approved by the Business Committee, but the Director of Gaming shall ultimately be responsible for reviewing and approving the investigative work performed. The Director shall make all determinations concerning the licensing of key employees and primary management officials. The results of the background investigation shall be reported by the Director to the National Indian Gaming Commission. The Director may conduct the investigations personally or may, with the approval of the Gaming Commission, employ investigators to conduct the background investigations on behalf of the Gaming Commission. The Director shall be responsible for ~~obtaining and processing fingerprints. The Director will coordinate~~ coordinating with the appropriate law enforcement agencies ~~or any other entity authorized to obtain and process fingerprints for the background check as it relates to fingerprints.~~

(2) Investigators. Investigators may be employed by the Director to assist in background investigations. Any investigators employed for background investigations will be under the supervision of the Director. All reports of the investigators will be forwarded to the Director, who shall make the reports a part of the Director's final investigative report submitted to the National Indian Gaming Commission.

(3) Selection of Responsible Individuals. Persons responsible for the background investigations are granted the authority under the Tribal Ordinance.

b. Investigative Procedures

(1) Information Required. The Tribe shall secure from each key employee or primary management official applicant all information required by the tribal gaming ordinance, federal law, and regulation.

(2) Check List. The Tribe shall create a check list which shall be used in the verification process. This list shall indicate that each item of information received from the primary management official or key employee applicant has been verified through written or oral communication.

(3) Personal Interviews. In inquiring into the applicant's character, the Tribe shall interview a sufficient number of knowledgeable people such as former employers, personal references, and any other individuals which may have information as to the reputation, habits and associations of the applicant. The Tribe shall interview as many individuals as is necessary -- but in no event shall the number of persons interviewed be less than five -- sufficient to make a finding concerning the eligibility for employment in the gaming operation.

c. Investigative Report

(1) Content. The final investigative report shall identify all potential problem areas as discovered during the investigation and shall state the final resolution of each problem area. Further, the final report shall specifically identify the information which formed the basis for the rejection or disqualification of any applicant.

(2) Procedure. The final investigative report submitted to the National Indian Gaming Commission shall set forth in detail the procedure followed by the tribe in conducting the background investigation.

(3) Disclosure. The final report submitted to the National Indian Gaming Commission shall set forth in detail the results of the investigation, including the disclosure of all potential problems in the applicant's background and, in detail, the facts which demonstrate the existence of the problem.

(4) Recommendation. The final investigative report shall state whether the applicant should or should not be granted a license and shall state, in detail, the facts that support the grant or denial of said license.

SECTION 18: ANNUAL AUDIT

The Business Committee will annually provide the Indian Gaming Commission with a copy of that portion of the audit prepared by the Tribe's independent auditor that relates to the gaming. This audit will include, among other matters, all contracts for supplies, services (except legal or accounting) or concessions in excess of \$25,000 annually that relate to the gaming operation.

SECTION 19: GAMING ACCOUNT

By resolution, the Tribe by Business Committee shall designate one banking account as the Tribal "Gaming Account." The account shall be maintained in a financial institution designated by the Business Committee. The Gaming Account shall be subject to the Annual Audit. Gross revenues derived from the conduct of Tribal gaming operations, excluding any cash payouts made during a Gaming session shall be deposited in the Tribal Gaming Account. No other monies shall be commingled with the Tribal Gaming Account. Except as specifically approved by the Business Committee, disbursement from the Tribal Gaming Account will only be made to pay reasonable and necessary expenses and will only be made on checks endorsed by both the Tribal Administrator and the Director of Gaming. Net revenues are to be transferred monthly to the Tribe's General Fund account to be disbursed solely as authorized by Business Committee appropriation.

SECTION 20: SUPPLIES AND EQUIPMENT

All reasonable and necessary expenses of the gaming operation must be approved by the Tribal Administrator. Provided further that all contracts for purchases of supplies, concession or services (excluding contracts for professional, legal or accounting services) in excess of \$5,000 must receive prior approval of the Business Committee, which shall be obtained by the Director of Gaming by submitting the proper requisition. All purchases of equipment, materials, concessions and food or any other item paid from the Gaming Account shall be the property of the Tribe.

SECTION 21: LOCATION AND SCHEDULE OF GAMING

All gaming sessions authorized herein shall be conducted at a place within Tribal Indian Country and on such days and times as may be approved by the Business Committee. The location and time for conducting Class III Gaming shall be consistent with any Tribal-state compact.

SECTION 22: DISCRIMINATION

Notwithstanding any other provision of this section, The Business Committee or the Director of Gaming may bar any person from admittance to any Tribal gaming facility for any or no reason whatsoever. However, no person shall be discriminated against because of his race, color, creed, sex or natural origin.

SECTION 23: PROCEDURES FOR DISPUTE RESOLUTION

In the event of an alleged personal injury or property damage suffered by a patron of the gaming facility, or in the event of a dispute between a patron and the gaming enterprise regarding the payment of bet or distribution of winnings, the patron may make a claim against the gaming enterprise as follows:

a. Making Claim. Any patron having a claim against the gaming enterprise shall present a claim to the gaming enterprise for any appropriate relief including the award of money damages. Claims against the gaming enterprise are to be presented within ninety (90) days of the date the loss occurs. In the event a claim is not presented following ninety (90) days after the loss occurs, but within one (1) year after the loss occurs, any judgment in a lawsuit arising from the act which is the subject of the claim shall be reduced by ten (10) percent. A claim against the gaming enterprise shall be forever barred unless notice thereof is presented within one (1) year after the loss occurs. A claim against the gaming enterprise shall be in writing and filed with the Tribal Gaming Commission at the address of the gaming facility. Notices explaining this procedure shall be posted in the gaming facility. Such notices shall explain that this procedure is the exclusive method of making a tort claim or registering a patron

dispute about payment of a bet or a distribution of winnings. Such notices shall explain that upon denial of a claim redress must be sought exclusively in Tribal Court.

b. Notice. The written notice of claims of the gaming enterprise shall state the date, time, place and circumstances of the claim, the identity of the tribal or gaming employees, if known, the amount of compensation or other relief demanded, the name, address and telephone number of the claimant, and the name, address and telephone number of any agent authorized to settle the claim.

c. Denial. A claim is deemed denied if the gaming enterprise fails to approve the claim in its entirety within ninety (90) days of receipt, unless the interested parties have reached a settlement before the expiration of that period. A person may not initiate suit against the gaming enterprise unless the claim has been denied in whole or in part. The claimant and the gaming enterprise may continue attempts to settle a claim; however, settlement negotiations do not extend the date of denial.

d. Limitations. No action for any cause arising from personal injury, property damage, or patron gaming dispute shall be maintained unless valid notice has been given and the action is commenced in a tribal court within 180 days after denial of the claim as set forth herein. Neither the claimant nor the gaming enterprise may extend the time to commence an action by continuing to attempt settlement of the claim.

SECTION 24: REPORT OF WINNERS

No prize shall be awarded unless the winner has fairly won without any collusion with the Director of Gaming or any of his employees or agents. A receipt acknowledging acceptance and receipt of the prize awarded must be signed by any winner regardless of the amount. The Director of Gaming has the authority to hold the payment of any winnings indefinitely until the final verification of authentic winning has been determined whether by inquiry or electronic means of validation upon the approval of the Tribal Administrator or Business Committee. The Director of Gaming or his designee shall make accurate and timely reports to the Internal Revenue Service of any winners at any gaming facility whose prize winnings exceed the minimum limits set by the Internal Revenue Service. In which case, acceptable proof of winners' name, address, and social security number must be presented to the Director of Gaming or his designee in order to be paid prizes.

SECTION 25: CRIMINAL PENALTIES

Any person or firm violating the provisions of this chapter shall be guilty of an offense and shall, upon conviction thereof, be punished as provided by law. If a person is convicted in Tribal

court, he may be punished by confinement in the Tribal jail for a period of not less than ten (10) days and no more than six (6) months or by a fine of not less than \$500 and no more than \$5,000 or by both such fine and imprisonment.

SECTION 26: SERVICE OF PROCESS

All notices or process made pursuant to this ordinance may be made by directing said notice to:

Director of Gaming
Citizen Band Potawatomi Indian Tribe of Oklahoma
1901 S. Gordon Cooper Drive
Shawnee, OK 74801

cc: Tribal Administrator
Citizen Band Potawatomi Indian Tribe of Oklahoma
1901 S. Gordon Cooper Drive
Shawnee, OK 74801

SECTION 27: REPEALER

Any prior gaming ordinances and all other ordinances inconsistent herewith are hereby repealed.

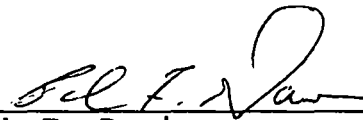
SECTION 28: EFFECTIVE DATE

This Ordinance shall become effective on the date of approval.

CERTIFICATION

In their respective capacities as officers of the Citizen Band Potawatomi Indian Tribe of Oklahoma, the undersigned do hereby certify that the above and foregoing Ordinance is a true and correct copy of Ordinance #95- 1, as approved on the 24 day of FEBRUARY, 1995, with 5 voting for, 0 ~~approved~~, and absent.


John A. Barrett, Jr.
Chairman


Bob F. Davis
Secretary/Treasurer

Citizen Band Potawatomi Indian Tribe of Oklahoma
Business Committee

Ordinance

Pott. Ord. No. 92-12

BE IT ENACTED BY THE BUSINESS COMMITTEE OF THE CITIZEN BAND
POTAWATOMI INDIAN TRIBE OF OKLAHOMA:

SECTION 1: GAMING COMMISSIONER

The Business Committee shall annually appoint or reappoint a Gaming Commissioner, who shall serve at the pleasure of the Business Committee.

SECTION 2: DUTIES

The Gaming Commissioner's duties are to:

1. Monitor all gaming operations within the Tribe's jurisdiction.
2. Document that all gaming operations are being conducted consistent with Tribal law, with Federal law, and with any existing state/Tribal compact, and
3. Provide written reports to the Business Committee no less frequently than once a month on the status of compliance of gaming operations with applicable law.

SECTION 3: POWERS

The Gaming Commissioner shall have unrestricted access to all gaming operations and to all documents maintained by gaming operations.

SECTION 4: QUALIFICATIONS


The Gaming Commissioner must meet the same qualifications as required for the Director of Gaming.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be effective upon adoption.

CERTIFICATION

In the respective capacities as officers in the Citizen Band Potawatomi Indian Tribe of Oklahoma, the undersigned do hereby certify the above and foregoing Ordinance is a true and correct copy of Ordinance #92-12, as approved on the 21st day of Oct, 1991, with 5 voting for, 0 voting against, and 0 absent.


John A. Barrett, Jr.
Chairman


Bob F. Davis,
Secretary/Treasurer